

United States Courts
Southern District of Texas
FILED

APR 28 2018

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Charles FUENTES

CRIMINAL COMPLAINT

Case Number: 2:18mj544-1

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about April 26, 2018 in Brooks County, in the Southern District of Texas defendant, **Charles FUENTES**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Antonino Gonzalez Jr.**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

April 28, 2018 at 10:45

Date

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer

Antonino Gonzalez Jr.
Signature of Complainant

Antonino Gonzalez Jr.

Printed Name of Complainant

at

Corpus Christi, Texas
City and State

[Signature]
Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

SYNOPSIS:

On April 26, 2018, Charles FUENTES was arrested at the United States Border Patrol Checkpoint near Sarita, Texas for attempting to smuggle one undocumented alien (UDA) concealed in an aftermarket compartment underneath a toolbox in the bed of the truck he was driving.

FACTS/DETAILS:

At approximately 5:30 p.m., a GMC pickup truck arrived at the Sarita Border Patrol Checkpoint primary inspection lane. The Agent assigned at the primary inspection lane conducted an immigration inspection of the driver (later identified as Charles FUENTES) and front seat passenger (later identified as Ricardo ENRIQUEZ). The Agent asked FUENTES and ENRIQUEZ if they were United States citizens. They both stated "Yes". ENRIQUEZ voluntarily presented a Texas Identification Card to the Agent. FUENTES, while smoking began to look for his wallet. Once FUENTES found his wallet, he presented a Texas Identification to the Agent. The Agent noticed when FUENTES handed the Identification Card to him his hand was trembling uncontrollably. The Agent became suspicious of FUENTES's behavior and suspected there could be some type of illegal activity. The Agent then asked FUENTES for consent to look inside the toolbox in the bed of the truck. FUENTES gave consent and the Agent opened the toolbox, when he closed it he noticed FUENTES had stepped out of the vehicle. FUENTES re-opened the toolbox to show the Agent the inside of it. The Agent told FUENTES to get back in the truck. FUENTES got back in the truck. A second Border Patrol Agent (Canine Handler) used his service canine to conduct a free air sniff, the Canine Handler told the primary Agent his canine alerted to the vehicle. At that point the vehicle was referred to the secondary inspection area for further inspection.

At the secondary inspection, area FUENTES and ENRIQUEZ were asked to exit the vehicle and sit on the bench located outside the Checkpoint.

The Canine Handler used his service canine to conduct systematic search of the vehicle and a subject was discovered hidden in an aftermarket compartment underneath the toolbox.

The compartment was fabricated in such a manner that the subject was unable to get out in the event of an emergency. The toolbox was bolted to the truck's bed on the driver's side only, which Agents had to forcibly remove the bolt in order to get the subject out. The compartment dimensions measured 7 inches in height, 65 inches in width and 17 inches long.

The subject removed from the compartment was identified as Marcos Leandro DE OLIVEIRA a citizen and national of Brazil illegally present in the United States.

All the subjects were arrested and transported to the Falfurrias, Texas Border Patrol Station for further processing. At the Falfurrias Border Patrol Station all subjects were advised of Miranda


Rights, they all stated they understood their rights and were not willing to make a statement without the presence of an attorney.

NOTE:

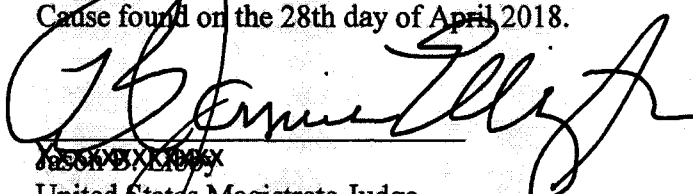
FUENTES has two prior arrest by Border Patrol for Alien Smuggling and one conviction which he was sentenced to 15 months and 24 months SRT.

DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Julie Hampton who accepted Charles FUENTES for prosecution of 8 USC 1324, Alien Smuggling. Marcos Leandro DE OLIVEIRA will be held as Material Witness. Prosecution of Ricardo ENRIQUEZ was not sought and he was released.


Antonino Gonzalez Jr.
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature
Attested telephonically per Fed. R. Crim.P.4.1, and probable
Cause found on the 28th day of April 2018.


~~Janice B. Ellington~~
United States Magistrate Judge
B Janice Ellington